

It is particularly apt to quote the Federal Circuit:

Evidence of secondary considerations may often be the most probative and cogent evidence in the record. It may often establish that an invention appearing to have been obvious in light of the prior art was not. It is to be considered as part of all the evidence, not just when the decisionmaker remains in doubt after reviewing the art

*Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1538-40, 218 USPQ 871, 879 (Fed. Cir. 1983)

Thus when differences that may appear technologically minor nonetheless have a practical impact, particularly in a crowded field, the decision maker must consider the obviousness of the new structure in this light. Such objective indicia as commercial success, or filling an existing need, illuminate the technological and commercial environment of the inventorm and aid in understanding the state of the art at the time the invention was made.

*Continental Can Co.USA v. Monsanto Co.*, 948 F.2d 1264, 20 USPQ 2d 1746 1752 (Fed. Cir.1991)

Thus, evidence of secondary considerations must always be considered.

The low power consumption scoreboard has been delivered. [See below, EXHIBIT 10]. As was stated last time, many prior attempts, on information and belief, at tennis scoreboards by others have not achieved any commercial viability because they haven't solved a key problem of portability and stand-alone operation over considerable time which the current inventors have achieved with utilizing flip disk displays to lower their intrinsic power requirements.

Evidence for these remarks is included in the attached EXHIBITS, numbered consecutively. 1-17.

EXHIBITs 1-6 demonstrate e-mail correspondence between one of the inventors (Carrillo) and a John Lyon of wilsonsports.net. Interest in the product is shown and one of the inventors is referred to WILSON's "...court equipment licensee who manufactures all of our court related products..." "This is J.A. Cissel Manufacturing Co./Century Sports." - [ from EXHIBIT 5 – middle of page].

EXHIBITs 7-10 demonstrate on-going dealings with one of WILSON's manufacturing licensees, J. A. Cissel/Century Sports, Inc.

J. A. Cissel indicates an interest in pursuing development of invention if invention is rugged, easy-to use and priced right. [from EXHIBIT]..

EXHIBITs 11-17 demonstrate the invention won a semi-finalist award at "...the world's largest sporting goods trade show..." "...**The Super Show®/20-02...**"

[from EXHIBIT 14], See also #12 on EXHIBIT 15.


Therefore it is believed that Claims 13-16 are in a condition for allowance.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles County, California telephone number (310) 766-6348 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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